

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
ASHEVILLE DIVISION
1:19 CV 252**

**SELECTIVE INSURANCE)
COMPANY OF AMERICA)
A/S/O THE COUNTRY CLUB)
OF SAPPHIRE VALLEY, INC.,)
Plaintiff,)
v.)
BLOSSMAN GAS OF NORTH)
CAROLINA, INC.,)
Defendants.)**
_____)

ORDER

This matter is before the Court on Plaintiff's Motion for Leave to Call Additional Expert Witnesses (the "Motion," Doc. 20). The Motion indicates that Defendant consents to the relief requested.

According to the Motion, this case arises out of an explosion that occurred at The Country Club of Sapphire Valley involving a propane system including four 1,000-gallon tanks. Doc. 20, p. 1. In the Motion, Plaintiff states that its "origin and cause expert, mechanical engineering expert, and metallurgical expert will each offer opinions on separate elements of the case" and that "Plaintiff may need to identify additional experts consistent with discovery...." Doc. 20, p. 2. Further, Plaintiff asserts that it "may be required to identify additional experts to rebut

opinions proffered by the Defendant,” that Plaintiff has retained “at least five consulting experts,” and that “[e]ach of these experts has knowledge and expertise on a discreet aspect of Plaintiff’s damages.” Doc. 20, p. 2. Finally, Plaintiff states that while it “intends to rely on retained witnesses, Plaintiff may also seek to call non-retained experts at trial, such as local and/or state officials.” Doc. 20, p. 2. Accordingly, Plaintiff estimates that “at least 10 total experts will be required at trial.” Doc. 20, p. 2.

The Pretrial Order and Case Management Plan provides that “[e]ach party shall be entitled to call up to five (5) expert witnesses without further leave of court.” Doc. 9, p. 5.

Having reviewed the Motion, and noting that Defendant’s consent, the Motion will be allowed in part. Specifically, Plaintiff will be given leave to designate additional expert witnesses. As the number and type of experts that may be allowed to testify during trial is a matter that is within the discretion of the presiding District Judge, it is beyond the purview of this Order and the undersigned expresses no view with regard to that issue.

IT IS THEREFORE ORDERED that Plaintiff’s Motion for Leave to Call Additional Expert Witnesses (Doc. 20) is **GRANTED IN PART**, and Plaintiff is **GRANTED LEAVE** to designate up to ten (10) potential expert witnesses.

To the extent the Motion seeks a ruling from the undersigned regarding the number and type of experts that may be allowed to testify during the trial of this matter, the Motion is **DENIED**.

Signed: April 10, 2020

A handwritten signature in black ink, reading "W. Carleton Metcalf", written over a horizontal line.

W. Carleton Metcalf
United States Magistrate Judge

